

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MATTEL, INC.,

Plaintiff,

-against-

ANIMEFUN STORE, BINGO1993,  
BINGOES HOT TOY FACTORY, MILIY  
STORE, and Q374428329,

Defendants.

No. 18-CV-8824 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

By opinion and order dated February 26, 2021, the Court granted summary judgment against Defendants AnimeFun Store, Bingo 1993, Binges Hot Toy Factory, Miliy Store, and Q374428329 (the "Wang Defendants")<sup>1</sup> finding liability for trademark infringement, false designation of origin, and unfair competition. (Dkt. no. 106.) Before the Court now is the issue of damages against the Wang Defendants. Following the parties' submission of briefing on this issue, the Supreme Court decided Abitron Austria GmbH v. Hetronic Int'l, Inc., and determined that two of the provisions of the Lanham Act prohibiting trademark infringement, both of which are implicated in this litigation, were "not extraterritorial and that they extend only to claims where the claimed infringing use in commerce is domestic." 143 S. Ct. 2522, 2527 (2023).

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<sup>1</sup> The Court adopts this defined term, which references attorney Xuanye Wang's prior representation of this defendant cohort, from the parties' briefing.

The parties are therefore directed to submit further briefing concerning the applicability and impact, if any, of Hetronic on the resolution of the issues remaining in this case as set out below:

- Plaintiff shall submit a brief of no more than 10 pages by November 2, 2023.
- The Wang Defendants shall submit a responsive brief of no more than 10 pages by November 22, 2023.
- Plaintiff shall submit a reply brief of no more than 5 pages by December 6, 2023.

**SO ORDERED.**

Dated:       October 12, 2023  
              New York, New York

  
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LORETTA A. PRESKA  
Senior United States District Judge